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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

17 J.R., a minor, by and through her
18 guardian ad litem, Janelle McCammack
19 *et al.*,

) Case No.: 2:17-cv-04304-JAK-FFM
)
) **Declaration of Melissa Riess in
Support of Plaintiffs' Motion for
Partial Summary Judgment**
)

20 Plaintiffs,

) **Date: July 27, 2020**
) **Time: 8:30 a.m.**
) **Court:10B**
)

21 v.

22 OXNARD SCHOOL DISTRICT, *et al.*,

23 Defendants.
24

25 **First Street Courthouse**
26
27
28

1 I, Melissa Riess, declare as follows:

2 1. I am an attorney licensed to practice law in the state of California and in
3 this court. I am a staff attorney at Disability Rights Advocates (“DRA”), counsel of
4 record for the Plaintiffs and the Class in the above-captioned case. If called upon to do
5 so, I could and would testify as follows:

6 2. On February 21, 2020, counsel for Defendants, Conor Kennedy, produced
7 to class counsel the expert report of Dr. Nadeen Ruiz. A true and correct copy of Dr.
8 Ruiz’s report is attached to this declaration as **Exhibit 1**. In this report, Dr. Ruiz
9 described how she had requested that the District produce to her a list of all the students
10 “currently within the RTI process.” **Exhibit 1**, p. 6. From this list, Dr. Ruiz selected a
11 random sample of 30 students and requested “the complete CST/SST file” for each of
12 the 30 students. *Id.*

13 3. On March 9, 2020, counsel for Defendants produced to Class counsel
14 documents Bates stamped OSD8890-9328. Defendants’ counsel represented to Class
15 counsel that these documents were the CST/SST files of 30 students that Dr. Ruiz
16 reviewed in order to produce her report. True and correct copies of the documents Bates
17 stamped OSD8890-9328 are attached to this declaration as **Exhibit 2**. On March 10,
18 2020, counsel for Defendants sent an email to Class counsel indicating the Bates range
19 for each student’s SST file. A true and correct copy of this email is attached to this
20 declaration as **Exhibit 3**. Based on a review of the student files, the student numbers
21 referenced in Dr. Ruiz’s report do not match the student numbers listed in the March 10
22 email from counsel.

23 4. I directed Desiree Robedeaux, DRA’s litigation assistant, to review these
24 documents and determine, for each student, the date that student was referred into the
25 CST/SST process, the date on which the student’s most recent SST meeting was held,
26 and the date (if applicable) on which the student was referred for special education
27 assessment. I reviewed and checked Ms. Robedeaux’s work and prepared a chart

1 summarizing the information she gathered. A true and correct copy of this chart is
2 attached to this declaration as **Exhibit 4**.

3 5. In cases in which a file did not include a document indicating when the
4 initial referral to CST/SST occurred, Ms. Robedeaux and I included in the chart the date
5 of the earliest CST/SST meeting or event in the file. Unless the file indicated that a
6 future SST meeting would be held, we used the date of the last SST meeting in the file.
7 If a document indicated just the month and year of a meeting or referral instead of an
8 exact date, we included the date using the first day of the month listed. For example, if
9 the student was listed as having been referred to CST/SST in April 2019, the chart
10 reflects a referral date of April 1, 2019.

11 6. The chart in **Exhibit 4** includes a calculation, for each student, of the
12 number of days between when a student was first referred to the CST/SST process, and
13 the date of the student's most recent CST/SST meeting. In order to perform this
14 calculation, I used Excel's subtraction function. This calculation is reflected in Column
15 E, which is labeled "Days in CST/SST (referral to last meeting)".

16 7. Column F of **Exhibit 4** is labeled "Days from referral to CST/SST until
17 referral for assessment" and reflects the number of days between when the student was
18 referred to the CST/SST process and the date on which there was a reference in the file
19 to a future assessment for special education services. Eleven out of the 30 student files
20 include references to a future assessment.

21
22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct. Signed on March 13, 2020 in Berkeley, California.
24
25

26 By: /s/ Melissa Riess
27
28

Melissa Riess
Attorneys for Plaintiffs